



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



345947

NOV 02 2009

REPLY TO THE ATTENTION OF:

C-14J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

B-Vest Properties, LLC  
c/o Mr. John N. Peshek  
154 Olive Street  
Elyria, Ohio 44035

RE: In the Matter of: General Industries Site (Parcel Nos: 06-25-014-104-003, 06-25-015-104-006, 06-25-015-104-007) General Industries Inc.

Dear Mr. Peshek:

This letter informs you that the U.S. Environmental Protection Agency intends to perfect a lien upon property located at 154 Olive Street, Elyria, Ohio, the exact legal description of which is contained in Attachment 1 to this letter ("The Property"). The Property is part of the General Industries Superfund Site. EPA has determined that you are the owner of this Property. The lien that EPA intends to perfect against the Property arises under Section 107(l) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund," 42 U.S.C. § 9607(l). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section 101(22) has occurred at or from the Property. The Property is part of the General Industries Superfund Site, at which asbestos came to be located, and is subject to or affected by a removal or remedial action. As the owner of a facility, you are a person liable for all costs of removal or remedial action at the site. Costs and damages include the costs incurred by the United States in responding to a release or threat of release at the General Industries Superfund Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113.

On March 27, 2009, EPA notified you by certified mail of your potential liability under

CERCLA. You may avoid the perfection of a lien upon your Property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

Nola Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard, C-14J  
Chicago, Illinois 60604  
(312) 886-7949

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. After three weeks from the date of this letter, EPA intends to transmit a notice of lien to the Lorain County Recorder's Office. The effect of this filing is to perfect the lien upon your Property.

You may notify EPA within three weeks from the date of mailing of this letter in writing if you believe EPA's information or determination is in error. You may also request to appear before a neutral EPA official to present any information that you have indicating that EPA does not have a reasonable basis to perfect a lien. You should describe in your letter or written request your reasons for believing that EPA does not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with your reasons and reconsider its intention to perfect a lien without further review or a meeting. Any written submissions or requests for a meeting should reference the Superfund Site, be addressed to the above referenced Regional Attorney, and may include documents or information which support your contentions.

If EPA receives a written submission or a request for a meeting from you within three weeks from the date of mailing of this letter, Agency staff will review your submission or request for a meeting. If, after review and consultation, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not perfect its lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. You may be represented by counsel at this meeting.

The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA has a reasonable basis to perfect a lien based upon CERCLA Section 107(l).

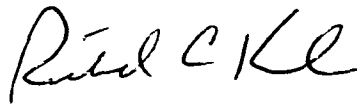
After reviewing your written submissions, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record.

The recommended decision will state whether EPA has a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether perfection or the decision not to perfect) and furnished a copy of the recommended decision.

Neither you nor EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participation at a meeting, or recommended decision by the neutral EPA official that EPA has a reasonable basis to perfect a lien.

If you have any questions pertaining to this letter, please contact Associate Regional Counsel Nola Hicks at (312) 886-7949.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Karl". The signature is fluid and cursive, with the first name "Richard" being more prominent than the last name "Karl".

Richard C. Karl  
Director  
Superfund Division

Enclosure

**ATTACHMENT 1**  
**Legal Description of General Industries Site**

**Parcel No. 1:** Situated in the City of Elyria, County of Lorain and State of Ohio, and known as being part of Sublot Nos. 1, 2, 3 and 4 in John W. Taylor's Avondale Park Allotment, of part of Original Elyria Township Lot No. 15, East of Black River, as shown by the recorded plat in Volume 6 of Maps, Page 2 of Lorain County Records, and part of Original Elyria Township Lot No. 14, East of River, not subdivided, and bounded and described as follows: Beginning at the intersection of the Northerly line of Taylor Street with the Easterly line of Olive Street, being also the Southwesterly corner of said Sublot No. 4; Thence Northerly along the Westerly line of said Sublot No. 4 to the Southerly line of a parcel of land conveyed to The Lake Shore and Michigan Southern Railway Company, by deed dated December 5, 1904, and recorded in Volume 97, Page 619 of Lorain County Deed Records; Thence Westerly along the Southerly line of land so conveyed to The Lake Shore and Michigan Southern Railway Company to the Westerly line of land conveyed to J.C. Hill and H.W. Wurst by deed dated April 3, 1909; And recorded in Volume 113, Page 194 of Lorain County Deed Records; Thence Southerly along the Westerly line of land so conveyed to J.C. Hill and H.W. Wurst to the centerline of Taylor Street; Thence Westerly along the centerline of Taylor Street to the Westerly line of said Original Elyria Township Lot No. 14, a distance of about 25 feet to the Northerly line of Taylor Street and the Southeasterly corner of said Sublot No. 1; Thence Westerly along the Northerly line of Taylor Street to the place of beginning, be the same or less, but subject to all legal highways.

EXCEPTING THEREFROM 3.1610 acres as conveyed to JPJAJ Partnership, an Ohio Limited Partnership, and recorded in O.R. Volume 473, Page 185 of Lorain County Records.

Permanent Parcel Nos. 06-25-015-104-006; 06-25-014-104-003

**Parcel No. 3:** Situated in the City of Elyria, County of Lorain and State of Ohio, being known as part of Sublot Nos. 1, 2, 3 and 4 in the Avondale Park Allotment, as recorded in Volume 6, Page 2 of Lorain County Plat Records, and part of Original Elyria Township Lot Nos. 14 and 15, East of Black River, and more definitely described as follows: Beginning at the intersection of the Northerly sideline of Taylor Street and the Easterly sideline of Olive Street, said point being the Southwesterly corner of Sublot No. 4 in Avondale Park Allotment, recorded as aforesaid; Thence due North in the Easterly sideline of Olive Street, a distance of 179.83 feet to a drill hole in the Northwesterly corner of Parcel No. 1 conveyed to the G.I. Company, as recorded in Volume 891, Page 94 of Lorain County Deed Records, said point is the principal place of beginning; Thence North 76° 23' 40" East in the Northerly line of Parcel No. 1, a distance of 230.00 feet to a spike set; Thence North 73° 56' 40" East in the Northerly line of Parcel No. 1, a distance of 207.00 feet to an iron pin set; Thence North 11° 49' 20" West, a distance of 26.80 feet to an iron pin set 10.00 feet distant Southerly by rectangular measurement from the centerline of an existing track; Thence South 79° 47' 08" West, a distance of 25.34 feet to an iron pin set 10.00 feet distant Southerly by rectangular measurement from said

existing track; Thence South  $78^{\circ} 32'$  West, a distance of 25.00 feet to an iron pin set 10.00 feet distant Southerly by rectangular measurement from the centerline of said existing track; Thence South  $76^{\circ} 12'$  West, a distance of 25.00 feet to an iron pin set; Thence South  $74^{\circ} 20'$  West in a line parallel to and 10.00 feet distant Southerly by rectangular measurement from the centerline of said existing track, a distance of 214.13 feet to an iron pin set; Thence South  $73^{\circ} 52'$  West, a distance of 142.71 feet to an iron pin set in the Northerly extension of the Easterly sideline of Olive Street; Thence due South in the Easterly sideline of Olive Street and the Northerly extension thereof, a distance of 24.68 feet to the Northwesterly corner of Parcel No. 1 conveyed to the G.I. Company, recorded as aforesaid, and the principal place of beginning; Enclosing a parcel containing 13, 120.51 square feet, be the same more or less, but subject to all legal highways. Intending to convey 0.30 of an acre.

Permanent Parcel No. 06-25-015-104-007

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

B-Vest Properties, LLC  
c/o Mr. John N. Peshek  
154 Olive Street  
Elyria, Ohio 44035

2. Article Number

(Transfer from service label)

7001 0320 0006 1558 8978

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$  
Certified Fee  
Return Receipt Fee  
Restrict. Del. Fee  
Insured Mail Fee  
Extra Postage  
Total Postage & Fees \$

Logmark  
here

Signature  
B-Vest Properties, LLC  
c/o Mr. John N. Peshek  
154 Olive Street  
Elyria, Ohio 44035

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